



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,388	11/18/2003	Jerry Hammond	FENCEPOST	4423

7590

07/13/2006

DAVID G. HENRY  
900 Washington Avenue  
P.O. Box 1470  
Waco, TX 76703-1470

EXAMINER

MACARTHUR, VICTOR L

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/716,388

Applicant(s)

HAMMOND ET AL.

Examiner

Victor MacArthur

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- It is unclear whether or not the applicant intends to invoke 35 U.S.C. 112 6<sup>th</sup> paragraph such that the scope of the claims is unclear. If the applicant intends to invoke 35 U.S.C. 112 6<sup>th</sup> paragraph, then the claim limitations should be amended to comply with MPEP section 2181(I) such that:
  - the claim limitations use the phrase “means for” or “step for” (by way of example, the “first post engagement means” in line 2 of claim 1 is not proper);
  - the “means for” or “step for” must be modified by functional language (by way of example, the “first post engagement means” in line 2 of claim 1 is not proper);
  - the phrase “means for” or “step for” must not be modified by sufficient structure, material or acts for achieving the specified function (by way of example, the limitation “first post engagement means having first and second collar members” in lines 2-3 of claim 1 is not proper).
- The Applicant has failed to set forth in the specification a precise and adequate disclosure of what structure, material or acts are meant to correspond to each claimed

Art Unit: 3679

Means Plus Function limitation. See MPEP 2181 (II). While the use of means plus function language is permitted in the claims to give the applicant protection over equivalent structure, the applicant is not permitted to present such limitations without clearly setting forth the true scope of the claimed invention in the specification. Note that purely exemplary recitations (e.g., the means plus function CAN include...) does not further limit the claims since exemplary language does not narrow the scope of the claims.

For purposes of the current Office Action the examiner must assume the scope of the means plus function limitations to be limited only by what is recited in the claims themselves since the applicant's specification fails to clearly set forth any narrower scope.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Preta (U.S. Patent 6,802,496).

Claim 1. Preta discloses (figs. 1 and 2a) a fencing post junction system comprising: first post engagement means (T2, T4) having first and second collar members (T2, T4) said first and second collar members being configured for cooperatively defining a first elongate post channel

Art Unit: 3679

through which a fencing post may extend along a first axis of said first elongate post channel; first attachment means (RB between T2 and T4) for reversibly securing said first and second collar members in a configuration for said cooperatively defining said first elongate post channel and for mechanically engaging a length of a first fence post therein; second post engagement means (T1, T3) having third and fourth collar members (T1, T3), said third and fourth collar members being configured for cooperatively defining a second elongate post channel through which a fencing post may extend along a second axis of said second elongate post channel; second attachment means (RB between T2 and T4) for reversibly securing said first and second collar members in a configuration for said cooperatively defining said second elongate post channel and for mechanically engaging a length of a second fence post therein; and junction means (PB1) for securing said first attachment means to said second attachment means in a substantially fixed relative orientation.

Claim 2. Preta discloses the system of claim 1 wherein said junction means is configured for respectively orienting said first attachment means and said first post engagement means and said second attachment means and said second post engaging means whereby said first and second axial directions are in substantially parallel orientations (orientation of left PB as seen in fig.1).

Claim 3. Preta discloses the system of claim 1 wherein said junction means is configured for respectively orienting said first attachment means and said first post engagement means and said second attachment means and said second post engaging means whereby said first and second axial directions are in substantially non-parallel orientations (orientation of right PB as seen in fig.1).

Claim 4. Preta discloses (figs. 1 and 2a) a fencing post junction system comprising: first post engagement means (T2, T4) having first and second post-grasping members (T2, T4), said first and second post-grasping members being configured for cooperatively defining a first aperture through which a fencing post may extend in a first axial direction; first attachment means (RB between T2 and T4) for reversibly securing said first and second post-grasping members in a configuration for said cooperatively defining said first aperture and for mechanically engaging a length of a first fence post therein; second post engagement means (T1, T3) having third and fourth post-grasping members (T1, T3), said third and fourth post-grasping members being configured for cooperatively defining a second aperture through which a fencing post may extend in a second axial direction; second attachment means (PB between T1 and T3) for reversibly securing said first and second post-grasping members in a configuration for said cooperatively defining said second aperture and for mechanically engaging a length of a second fence post therein; and junction means (PB1) for securing said first attachment means to said second attachment means in a substantially fixed relative orientation.

Claim 5. Preta discloses the system of claim 4 wherein said junction means is configured for respectively orienting said first attachment means and said first post engagement means and said second attachment means and said second post engaging means whereby said first and second axial directions are in substantially parallel orientations (orientation of left PB as seen in fig.1).

Claim 6. Preta discloses the system of claim 4 wherein said junction means is configured for respectively orienting said first attachment means and said first post engagement means and

Art Unit: 3679

said second attachment means and said second post engaging means whereby said first and second axial directions are in non-parallel orientations (orientation of right PB as seen in fig. 1).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085.

The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

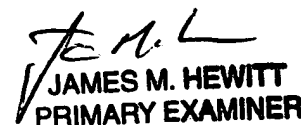
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.



VLM

July 10, 2006.

  
JAMES M. HEWITT  
PRIMARY EXAMINER